

REMARKS

Status of Claims

Claims 1 – 21 were original in the application. Claims 1, 3, 5, and 8 – 9 have been currently amended. Claims 10 – 21 have been cancelled. Claims 1 – 9 are submitted for examination on the merits.

Objections to the Claims

Claims 1, 3, 5, and 8 – 9 have been responsively amended.

Rejection Pursuant to 35 USC 101

Claim 1 is directed to a very real world practical application which is tangibly embodied in software stored and executed in a computer. The strategy formulation engine of Claim 1 is embodied within the software program Enterprise Strategy Management (ESM). This software system operates on a computer that is powered by a processor. The strategy formulation engine of Claim 1 is comprised of a series of systematic embedded processes that produce output reports. These strategy reports are archived in the ESM software system and used to define the organization's current state, the future/desired state and direction, the strategic platforms, and strategic platforms requirements needed to implement the strategic direction. An example of a strategic direction is a health care organization that is attempting to transform the care delivery process, becoming the health care and technology innovation leader within the organization's geographic markets.

Although strategies can be different for every organization, the strategy formulation engine, as well as its processes and subsequent outputs, produce tangible results and are not the manipulation of abstract thought, rather, the strategy formulation engine, as well as its processes and subsequent outputs, are embodied within a software program that runs on a computer readable medium, enables the process automation of a systematic methodology for converting strategic concepts into concrete, detailed, multi-layered strategic descriptions for organization change. **A collection of tangible, embedded, strategy-related output documents** is described by way of example in EXHIBIT A.

The strategy formulation engine, as well as its processes and subsequent outputs, are uniform and concrete in that they are conceptually and structurally identical regardless of the subject matter or type of organization using the system. By nature, the structural integrity of the strategy formulation engine negates subjective results while promoting concrete definitions to be illuminated and systematically evaluated. The collection of concrete, embedded, strategy-related output documents is described in EXHIBIT A.

The strategy formulation engine, as well as its processes and subsequent outputs, are useful in that multiple real-world applications have been established. See EXHIBIT B, which provides concrete examples.

The processing and ordering of information for business purposes as discussed above and illustrated in the attached Exhibits using a computer are well established as statutory patentable subject matter.

Rejection Pursuant to 35 USC 103 (a)

Claims 1 – 10 were rejected as being unpatentable over McGrath; “Setting the PACE in Product Development”, Chapter 7 – The Process of Product Strategy, 1996, Elsevier, pp. 101-119.

In regard to Claim 1 the Examiner contends that McGrath teaches at page 102 Figure 7-1, the McGrath strategy pyramid has a top layer that has the strategy vision (i.e. a definition of strategic direction – see also page 103 para 1 and para 3).

The Applicant notes that McGrath teaches an approach to developing product line strategy rather than the enterprise/organization strategy of the strategy formulation engine of the amended Claim 1 (McGrath, “The Process of Product Strategy”, page 101). The Applicant notes McGrath does not include the “current state” of the amended Claim 1, describing both an organization’s current state as well as the organization’s future vision, in one layer (the top layer).

In regard to Claim 1 the Examiner contends that McGrath teaches at page 105, para 3, the product platform (i.e. strategy platform elements) contains a number of technical elements. The definition of these technical elements comprise the strategy platform requirements – see para 2.

The Applicant notes that the product platforms described by McGrath are “... a collection of common elements, especially the underlying core technology, implemented across a range of products” (Page 105, para 4, line 2), where the strategy platforms of Claims 1-9 are strategic concepts such as “world class training support” (Patent Application, Page 12, line 29) that are used as building blocks to guide an enterprise to

achieving the desired future state rather than achieving effective product line offerings and strategy. The Applicant further notes that the technical elements described by McGrath that define McGrath's product platforms are the sum of the core underlying technology needed to construct and launch said product, as opposed to the platform elements of Claims 1-9, where the platform requirements are the description of "business and operational needs necessary..." (Patent Application, Page 13, line 16) to construct said value platform. Unlike McGrath's product platform requirements, the platform requirements of Claims 1-9 are limited only to the broad range of value platforms created and/or selected, rather than a product development centric approach (please reference EXHIBIT A, para 1, line 4).

In regard to Claim 1 the Examiner contends that McGrath teaches at page 103, para 6, the strategic direction taught by McGrath directs the platform requirements. The intermediate layer is then, the product platform strategy that integrates the strategic direction with the embodiment of the strategy into the strategic platform requirements.

The Applicant notes that the future desired state of Claims 1-9 does not direct the value platform requirements of Claims 1-9, rather, the combination of the organization's current and future desired state determine the creation and/or selection of value platforms to achieve organization change. The intermediate layer described in Claims 1-9 is the plurality of such phased and carefully sequenced value platforms. As such, the integration of the organization's desired future state with the value platform requirements is simply a function of the creation and/or selection of value platforms to achieve the desired future state, followed by the population of requirements for each

value platform (please reference Figures A and B).

In regard to Claim 3 the Examiner contends that McGrath teaches at page 104, para 4, the technology development agenda provides a definition of future technological developments that are necessary for achieving the strategic direction. The agenda provides for definition of future requirements that enable the company to succeed (i.e. strategy enabler).

The Applicant notes that the future requirements described in the amended Claim 3 are specific to a value platform and enable the installation, creation, or capture of a value platform. For the purposes of this Application, such future requirements are not intended to be enablers to the strategic direction, rather, they make possible the creation of a value platform. The successful creation of all value platforms will constitute the achievement of an organization's future desired state.

In regard to Claim 4 the Examiner contends that McGrath teaches at page 104, para 3, the strategy platform requirements operating through the strategic vision direct product development activities. Platform requirements determine what development teams will work on from a platform element standpoint (i.e. what building blocks do development teams work with) and also how the strategy platform requirements determine product line planning, i.e. implementation activities.

The Applicant again respectfully notes that McGrath's process for developing strategy is product centric, and does not incorporate the scope of enterprise business strategic planning as does the proposed art. The Applicant further notes that the value platform requirements of Claim 4, unlike what McGrath teaches about technology and

product requirements, constitute a broad range of potential requirement types (i.e. human resources, facilities, real estate, specific alliance relationships etc.) and *may* be used to guide an organization in the selection of focused implementation activities.

In regard to Claim 5 the Examiner contends that McGrath teaches at page 103, para 6, the product platform strategy integrates the strategic direction with the platform requirements (see page 105 para 2 & 3)

The Applicant notes that the intermediate layer described in Claim 5 is not McGrath's "product platform strategy", or even platform strategy, rather, it is the sum total of all (at least 2) defined, described, phased, and integrated value platforms, organized sequentially to achieve an organization's future desired state (Please reference Figure A).

In regard to Claim 6 the Examiner contends that McGrath teaches at page 105, para 2 & 3, strategy platforms (i.e. strategic product platforms) include a series of requirements stating what the common technical elements will be that are integrated into a range of products.

The Applicant notes that unlike McGrath's prior art where product line platforms are made up of "technical elements" to be "integrated into a range of products", the value platform requirements of Claim 6 refer to a potentially broad range of necessities (i.e. human resources, facilities, real estate, specific alliance relationships etc.) that are not designed to be incorporated into a line of products, rather, they are captured and displayed to show definable gaps in a strategic building block ("value platform").

In regard to Claim 7 the Examiner contends that McGrath teaches at page 105, para 2 & 3, McGrath's strategic product platforms include at least one value creation opportunity as embodied in various products that got to market utilizing the product platform strategy.

The Applicant notes that McGrath's defines a product platform as "a concept for product planning and strategic decision making. It is a collection of common technical elements, especially the underlying core technology, implemented across a range of products" (page 105, para 4). The value platform of Claim 1 is not a collection of common technical elements, rather, it is a strategic concept such as "world class training support" (Patent Application, Page 12, line 29) used as a building block to guide an enterprise to achieving the desired future state rather than achieving effective product line offerings and strategy. An example of a strategy platform (as described in Claim 1) could actually be a line of products, whereas McGrath's product platform is much more specific, refined, and product/technology-centric at the platform level.

In regard to Claim 8 the Examiner contends that McGrath teaches at Figure 7-1, product line strategy (i.e. business model/phase evolution layer) incorporates the above product platform strategy into its next lower level of implementation.

The Applicant notes that the amended Claim 8 describes the specific phases in time, incorporating both titles and dates, that each specific strategy platform will need to be in place in order to stay on track to achieving the organization's desired future state. McGrath's product line strategy cited above is not designed for this purpose.

In regard to Claim 9 the Examiner contends that McGrath teaches at Figure 7-1, new product development layer (i.e. a strategy platform integration layer) integrates the strategy platform into the development of various products that follow the strategy platform.

The Applicant notes that the amended Claim 9 describes the connectivity between phased, sequenced strategy platforms rather than the described function of McGrath's new product development layer (please reference the interconnectivity between strategy platforms displayed in Figure 1).

Applicant respectfully requests advancement of the claims to allowance.

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Signature

June 26, 2006

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EXHIBIT A

STRATEGY FORMULATION ENGINE:

Strategy Builder/Value Platform Integrator: Report displays the phased strategy that encapsulates the organization's long-term plan to transform from the current state to the desired future state. Report includes current state, strategic direction, strategy platforms, categories/platform types (market, technology, financial, alliance, infrastructure, operations, human resources, etc.), transformation phases, and strategic inter-dependencies between the strategy platforms (Figure A).

Value Platform Details: Report displays type of value platforms (market, technology, financial, alliance, infrastructure, operations, human resources, etc.), value creation opportunities, programs, strategy platform requirements for deployment, and current status (Figure B).

Value Platform Inventory: Report displays strategy platform current capabilities, leveragability, location, future requirements, importance, and feasibility (Figure C).

Figure A: Strategy Builder/Value Platform Integrator:

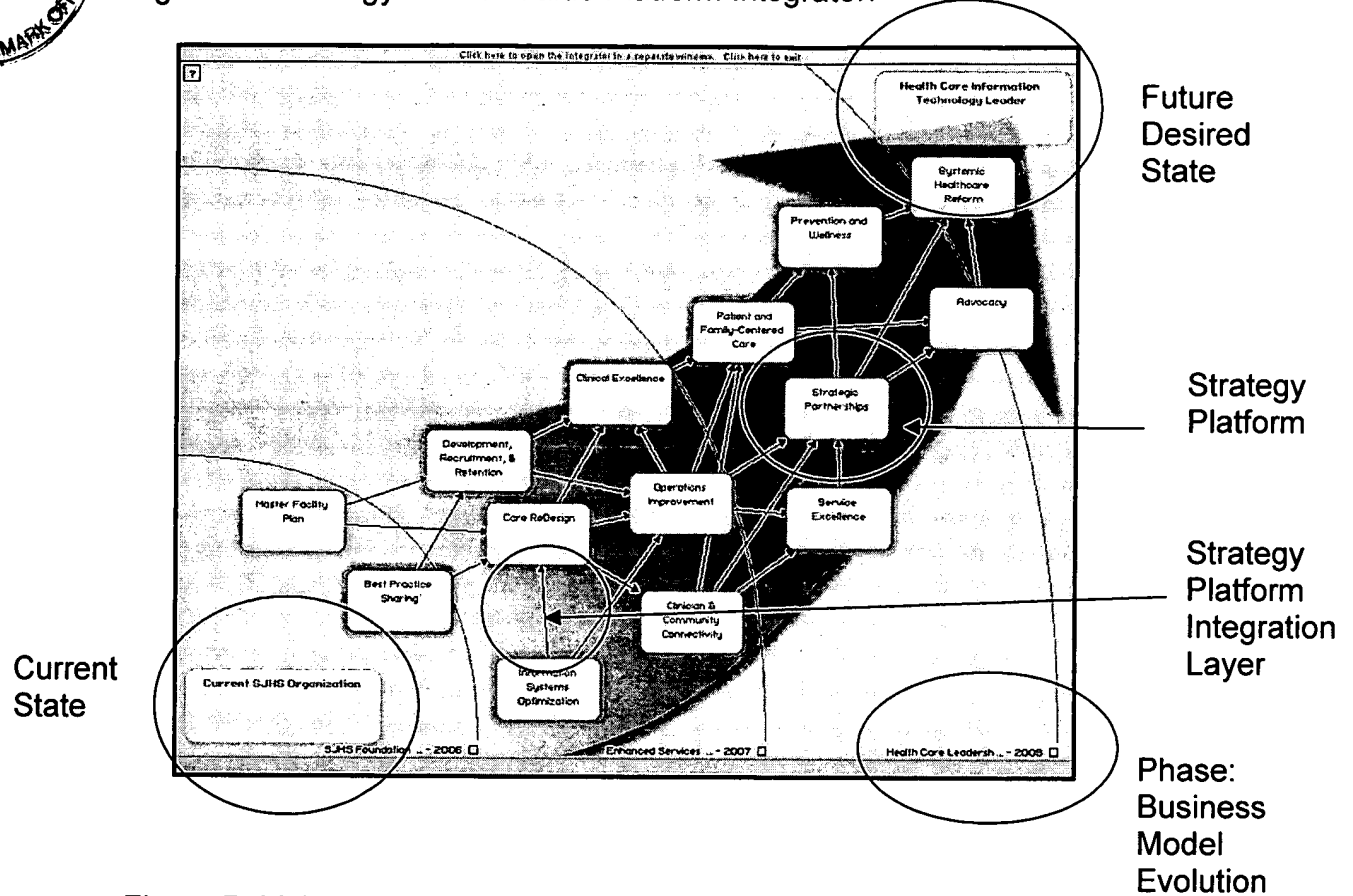


Figure B: Value Platform Details

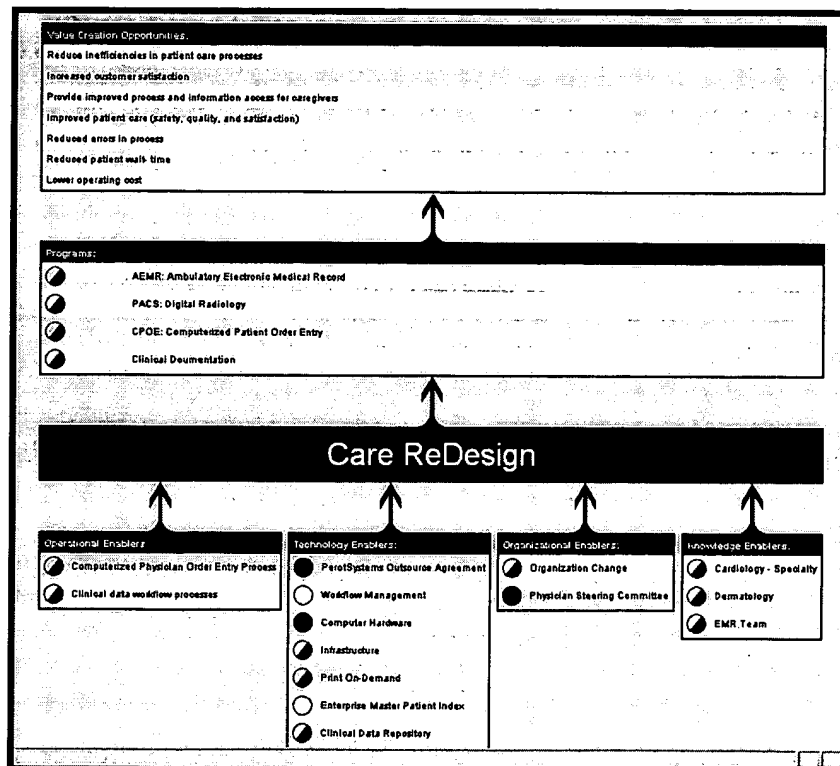


Figure C: Value Platform Inventory

Current Value Platform: Care ReDesign						
Programs	Current Capabilities	Leverability	Location	Future Requirements	Importance	Feasibility
AEMP: Ambulatory Electronic Medical Record	Pilot Site Complete	High	SJHS IT: Strategic Partnerships	Buildout System-Wide	H	H
PACS: Digital Radiology	Pilot Stage	High	SJHS IT and Strategic Partnerships	System wide deployment	H	H
CPDE: Computerized Patient Order Entry	Pilot Stage	High	SJHS IT - Strategic Partnerships	System wide deployment	H	H
Clinical Documentation	Medium	High	14 Hospitals	Anytime, anywhere document access	H	H
Operational Enablers						
Operational Enablers	Current Capabilities	Leverability	Location	Future Requirements	Importance	Feasibility
Computerized Physician Order Entry Process	Manual processes	High	All SJHS Hospitals	Integrated CPDE across SJHS	H	H
Clinical data workflow processes	Medium	High	Throughout SJHS	Integrated, automated workflow for capturing and accessing Clinical data	H	H
Technology Enablers						
Technology Enablers	Current Capabilities	Leverability	Location	Future Requirements	Importance	Feasibility
PerotSystems Outsource Agreement	Perot consulting team and content expertise availability	High	PerotSystems	Continue to leverage Strategic Partnership	H	H
Workflow Management	Low	High	PerotSystems and CapGemini	Need to develop in-house capabilities	H	H
Computer Hardware	High	High	Throughout SJHS	None	H	H
Infrastructure	Medium	High	Throughout SJHS	Continued buildout	H	H
Print On-Demand	Weak	High	SJHS	Need upgraded printing capability at all facilities	H	H
Enterprise Master Patient Index	Fragmented databases	High	14 Local Ministries	Integrated SJHS database	H	H
Clinical Data Repository	Fragmented systems	High	All Hospitals	Integrated data repository of all SJHS clinical data	H	H
Organizational Enablers						
Organizational Enablers	Current Capabilities	Leverability	Location	Future Requirements	Importance	Feasibility
Organization Change	Very Strong	High	Innovation and Information - SJHS IT Group	Need to build organization change capabilities throughout SJHS and Local Ministries	H	H
Physician Steering Committee	On-going steering committee	High	SJHS System Office	Continue	H	H
Knowledge Enablers						
Knowledge Enablers	Current Capabilities	Leverability	Location	Future Requirements	Importance	Feasibility
Cardiology - Specialty	Strong expertise	Medium	Select SJHS Local Ministries	Need to build center of excellence	H	H
Dermatology	Medium expertise	Medium	Select Local Ministries	Need to build a center of excellence in Dermatology	H	H
FUP Team	Team has been formed	High	St. Joseph Hospital of Florence	Need additional design team participation	H	H
Done						

EXHIBIT B

Strategy formulation engine real-world applications: All charts, graphs, and reports (screenshots) in this Exhibit, display actual customer data, captured and generated via the Enterprise Strategy Management software system.

1. **St. Joseph Health System:** A \$3 billion in annual revenue, multi-business unit entity, St. Joseph Health system has used and continues to use the strategy formulation engine of Claim 1 to formulate a multi-layered organization strategy. An example of real-world, practical application is listed below:

- a. St. Joseph Health System Information Technology organization applied and used the strategy formulation engine of Claim 1 regarding the 5-year strategic plan for achieving the strategic direction of “Becoming the Health Care Technology Innovation Leader”. This included the strategic direction, transformation phases over time, the strategic platforms, the interconnectivity between strategic platforms, and the strategic platform requirements.

Result: St. Joseph Health System Information Technology has adopted the strategy created using the strategy formulation engine of Claim 1, and is managing and implementing the phased strategy over a 5 year time frame using subsequent modules and functions of the Enterprise Strategy Management software system (ESM) related to and connected with the strategy formulation engine of Claim 1,

such as Alignment, Initiative Management, Priority Decision, and Performance Management. This use of the strategy formulation engine of Claim 1 has increased accountability, ownership, and visibility, of the Information Technology strategy within St. Joseph Health System. This exercise has also provided the organization with a clear path for organization change, enabling faster, more efficient strategy execution and better implementation results. As a result of St. Joseph Health System Information Technology's successful use of the strategy formulation engine of Claim 1, the entire, multi-unit organization will be using the strategy formulation engine of Claim 1 beginning in July of 2006.